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Letter dated 7 April 2011 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

I have the honour to transmit to you, and through you to the members of the Security Council, clarification points regarding the referendum on the administrative status of Darfur, which will be conducted in accordance with the Darfur Peace Agreement signed in Abuja on 5 May 2006 and the Presidential Decree issued by the President of the Republic of the Sudan, Omar Hassan Al-Bashir, on 29 March 2011 in order to create a conducive atmosphere for the ongoing political process towards lasting peace and stability in Darfur (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Daffa-Alla Elhag Ali **Osman**
Permanent Representative

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Annex to the letter dated 7 April 2011 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

Clarifications regarding the referendum on the administrative status of Darfur

- The referendum on the administrative status of Darfur is due to be conducted according to the Abuja Agreement, which was signed by the Government of the Sudan and acknowledged by the international community. Article 55 of the Agreement, entitled "The Permanent Status of Darfur", states the following: "The permanent status of Darfur shall be determined through a referendum held simultaneously in the three states of Darfur." According to the Agreement, "the referendum on the status of Darfur shall be held no later than 12 months after the elections in Darfur, which shall be held simultaneously with the national elections as specified in the Interim National Constitution, and in any case no later than July 2010".

- Voting shall be exercised only by the citizens of the three states of Darfur, as stipulated in article 55.

- It is well known that the Sudan is approaching the process of drafting the permanent constitution after the transitional period of the referendum of southern Sudan in July 2011, which requires the determination of the administrative status of Darfur before that date.

- As stipulated in the Abuja Agreement, the National Elections Commission will organize and supervise the referendum in accordance with the General Elections Law.

- The referendum shall be monitored internationally. Article 58 of the Agreement states: "The National Elections Commission (NEC) shall organize and supervise the referendum on the status of Darfur. The National Elections Law shall specify the rules and procedure governing the referendum. The referendum shall be internationally monitored."

- As clarified above, the National Elections Commission will oversee the referendum process. The role of the Transitional Darfur Regional Authority (TDRA) does not involve supervising the organization of the referendum, but is limited to overseeing the implementation of the Abuja Agreement, as outlined in article 53 (a): "The TDRA shall exercise the following functions: (a) Undertake primary responsibility for coordinating the implementation and follow-up of this Agreement. Such responsibility shall include, in particular, facilitating the return of refugees and internally displaced persons, coordinating the restoration of security, and promoting peace and reconciliation throughout Darfur."

- The Government will create a conducive environment for conducting the referendum by taking a number of measures and procedures, including the lifting of the state of emergency in Darfur and guaranteeing the freedom of assembly and expression and allowing campaigning for either option (region or states).

- The referendum will not conflict with the Doha talks, and the Government will continue its engagement in the Doha forum with a view to signing a peace agreement. The Government informed the Mediation of its intention to hold the referendum and the Mediation did not express any objection.

- The referendum on the administrative status of Darfur shall not affect the Darfur political process and the holding of the Darfur-Darfur Conference, which will be organized by the African Union High-level Implementation Panel chaired by President Mbeki and mandated by the African Union, in coordination with the African Union-United Nations Hybrid Operation in Darfur.

- The Government will consult with political forces as well as the armed groups which have signed the Abuja Agreement and the Declaration of Principles on the procedures for conducting the referendum, which will achieve the objective of allowing the populations of Darfur states to vote in a free and fair referendum to determine the permanent administrative status of Darfur.